

REMARKS

Claims 72-91 are pending. Applicant has amended claims 72, 75, 79, 86, and 89.

Applicant would like to thank the Examiner for her consideration during the telephone interview of October 9, 2007 and subsequent communications. Applicant has amended the claims as discussed in the interview and the communications.

The Examiner has rejected the claims under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner expressed concern over how tasks with constraints could be scheduled "independently" as recited, for example, by claim 72. Applicant has amended the claims to address the Examiner's concerns and to clarify the scope of the claims. Independent claim 72 no longer recites that the scheduling is "independently." Rather, claim 72 recites "individually scheduling . . . so that the first assignment is scheduled to start at a time that is different from a time at which the second assignment is scheduled to start." Independent claim 79 recites "individually scheduling . . . wherein the first start time can be different from the second start time." Independent claim 86 recites "a component to individually schedule . . . so that the first assignment and the second assignment are scheduled to have different start times."

The Examiner has rejected claims 72-91 under 35 U.S.C. § 103(a) as being unpatentable over Brown. In the last Office Action, the Examiner indicated that the "art rejection will be reevaluated when the scope of the claims is clarified." (Office Action, Sept. 11, 2007, p. 5.) Applicant respectfully submits that since the scope of the claims has been clarified, it is now apparent that they are patentable over Brown.

The claims specify that assignments are subdivisions of a designated task. In particular, claims 72-78 recite "automatically subdividing the designated task into a first assignment and a second assignment, the first assignment and the second assignment being subdivisions of the designated task." Claims 79-85 recite "automatically subdividing the designated task into component assignments, the component assignments including a first assignment . . . and a second assignment." Claims 86-91 recite "a component to

generate component assignments by subdividing the designated task, the component assignments including a first assignment . . . and a second assignment."

In addition, the claims specify that the assignments, which are subdivisions of a designated task, are scheduled "individually" and can have separate start times as described above.

Thus, applicant's claims are directed to subdividing a task into assignments and individually scheduling each assignment so that the assignment can have different start times. Brown, in contrast, describes scheduling only at the task or activity level and does not teach or suggest scheduling at a subdivision of a task or an activity. It is the Examiner's position that Brown's "resource types" corresponds to applicant's assignments. However, Brown cannot schedule different types of resources of an activity individually. Brown describes an example construction project that includes activities A1-G7. (Brown, 6:17-11:12.) Brown describes that the activity B2 of "laying the foundation" requires the resource types of trucks, unskilled laborers, and craftsmen. (Brown, 6:17-61.) Brown does not, however, separately schedule the trucks, unskilled laborers, or craftsmen. Rather, Brown clearly states that the "activities would then be scheduled in PRST order as their early start time permits." (Brown, 10:40-41, emphasis added.) Brown also shows the resultant schedule of the construction project in a table that lists activity numbers A1-G7 along with their corresponding start time. (Brown, 10:50-59.) There are no separate start times for the resource types of an activity.

In addition, applicant has amended claims 86-91 to recite that the component assignments are generated "by subdividing the designated task by the number of resources assigned to the designated task." These claims also now recite a component that identifies a "work-amount" for the first assignment and the second assignment. The claims recite that the individual scheduling of the first assignment is based on the first work-amount and the second assignment is based on the second work-amount. Brown neither teaches nor suggests such subdividing of a task, identifying of work-amounts, or scheduling based on work-amounts as recited by these claims.

The Examiner takes Official Notice with respect to claim 1 in the last Office Action. (Office Action, Sept. 11, 2007, p. 12.) Claim 1, however, was not pending at the time of the last Office Action. Applicant respectfully requests clarification.

Based on the above amendments and remarks, applicants respectfully request reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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